

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16 are currently pending. Claims 1-15 are amended herewith to recite that the method is directed to inspecting, as one might do during a manufacturing process. It is respectfully submitted that the changes to the claims do not add new matter.

In the outstanding Office Action, Claims 1-11, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the background art in view of Mayer, et al. (U.S. Patent No. 1,621,991, herein “Mayer”). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayer. Claims 12 and 13 were objected to as being dependent upon a rejected base claim, Claim 1, but were otherwise indicated as allowable.

Applicants thank Examiner Fulton, for the interview granted to Applicants' representatives on June 16, 2005. During the interview, Claim 1 was discussed with regard to the background art in view of Mayer and Claim 16 was discussed in view of Mayer. No demonstrations were conducted, no exhibits were shown, and no agreement was reached.

As discussed during the interview, the background art and Mayer do not render obvious the subject matter of the pending claims. More specifically, the background art as described in the specification at pages 13-14 and pages 18-19, does not disclose or suggest the claimed method of: (1) **placing** an inspection gauge on a main surface of said optical device, said inspection gauge being provided with a density pattern formed on a transparent sheet or film; and (2) **comparing** optical unevenness of said optical device **with** said density pattern of said inspection gauge in light of a density degree to determine whether said optical unevenness is lighter or darker in density than or equal to said density pattern of said inspection gauge.

The background art does not disclose or suggest placing a gauge on the optical device and comparing the optical device's optical unevenness with a density pattern on the gauge. Instead, the background art uses optical device samples that slightly exceed and slightly fall within tolerance rather than a density pattern on the gauge.

Mayer, also does not disclose or suggest placing a gauge on the optical device and comparing the optical device's optical unevenness with a density pattern. Mayer discloses a configuration of light permeability strips which allows a photographer to waste less time and prints when determining what exposure to use on a negative.¹ Furthermore, Mayer does not enable any method of use of the permeability strips.² Moreover, Mayer does not disclose or suggest **comparing** two distinct items, much less, comparing a density pattern with optical unevenness as the claimed subject matter discloses.

It is respectfully submitted that neither the background art nor Mayer discloses or suggests the features of independent Claim 1. Therefore, it is respectfully submitted that Claim 1 and its dependent claims patentably distinguish over the background art and Mayer. It is therefore respectfully requested that the rejection of Claims 1 -11, 14, and 15 be withdrawn.

As discussed during the interview regarding Claim 16, Claim 16 is for a gauge including: a transparent base sheet or film; and a density pattern provided on said base sheet or film, wherein said density pattern is made of a set of dots which are less than or equal to 40 μm in size. Mayer discloses a configuration of light permeability strips.³ Strips are not a set of dots as the claim discloses. Furthermore, the shape and size of the density pattern is

¹ Mayer, col. 1-2.

² Mayer, col. 1, lines 49-53.

³ Mayer, col. 2, line 1, and its corresponding drawing.

patentably distinct from Mayer because the specification explains that the size is relevant to avoid Moire fringes.⁴

In light of this, it is respectfully submitted that the Office Action has not provided a *prima facie* case of obviousness with regard to the rejections of Claim 16. It is therefore respectfully requested that that ground for rejection be withdrawn.

In view of the foregoing remarks, Applicants respectfully submit that Claims 1-16 define patentable subject matter, and that the application is in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

Respectfully submitted,

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⁴ Specification, page 8, lines 4-7.